IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.421 OF 2005
IN
ARBITRATION PETITION NO.63 OF 2005

Ramchandra Parshuram Nikam Appellant
vs.
The Saraswat Co-operative Bank Ltd. & ors. Respondents

Mr.S.R.Mishra for the appellant.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 6th June 2005

P.C.

Heard Mr.S.R.Mishra, the learned counsel for the appellant and perused the order dated 20th February 2005.

2. The fact of the matter is that feeling aggrieved by the award dated 24th August 2004, the present appellant preferred Arbitration Petition being Arbitration Petition No.396/2004. The said Arbitration Petition was withdrawn on 15th December 2004. Having withdrawn the earlier Arbitration Petition No.396/2004 and the fact that no liberty was granted to the appellant to file fresh Arbitration Petition, the subsequent Arbitration Petition No.63/2005 could not have been maintained. The learned Single Judge cannot be said to have erred in dismissing the Arbitration Petition No.63/2005 in view

of the fact that earlier Arbitration Petition challenging the award dated 24th August 2004 was unconditionally withdrawn.

3. Dismissed in limine.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)